

2013 DRAFTING REQUEST

Bill

Received: 12/28/2012	Received By: btradewe
Wanted: As time permits	Same as LRB: -1397
For: Natural Resources	By/Representing: Mike Bruhn
May Contact:	Drafter: btradewe
Subject: Environment - water quality	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
Requester's email: **Michael.Bruhn@wisconsin.gov**
Carbon copy (CC) to: **Robin.Schmidt@wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 1/12/2013			_____			
/P1	btradewe 1/22/2013	jdyer 1/14/2013	rschlue 1/14/2013	_____	srose 1/14/2013		
/1	btradewe 1/24/2013	scalvin 1/22/2013	rschlue 1/23/2013	_____	lparisi 1/23/2013		State S&L
/2		scalvin	rschlue	_____	sbasford	sbasford	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/24/2013	1/25/2013	_____	1/25/2013	1/29/2013	S&L

FE Sent For:

at
intro

<END>

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/1	btradewe 1/24/2013	scalvin 1/22/2013	rschluet 1/23/2013	_____	lparisi 1/23/2013		State S&L
/2		scalvin	rschluet	_____	sbasford		State

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		1/24/2013	1/25/2013	_____	1/25/2013		S&L

FE Sent For:

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/P1	btradewe 1/22/2013	jdye 1/14/2013	rschluet 1/14/2013		srose 1/14/2013		
/1		scalvin 1/22/2013	rschluet 1/23/2013		lparisi 1/23/2013		State S&L

12 sac
01/24/2013

2413

FE Sent For:

<END>

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Received: **12/28/2012** Received By: **btradewe**
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 May Contact: Drafter: **btradewe**
 Subject: **Environment - water quality** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Michael.Bruhn@wisconsin.gov**
 Carbon copy (CC) to: **Robin.Schmidt@wisconsin.gov**

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No specific pre topic given

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Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Instructions:

See attached

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/?	btradewe						
	1/12/2013						

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	1/14/2013	1/14/2013		1/14/2013			

FE Sent For:	/1 sac						
	01/22/2013						

<END>

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May Contact:		Drafter:	btradewe
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Submit via email: **YES**
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/?	btradewe	PI 1/14 jld		_____	_____		
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FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**Received: **12/28/2012**Received By: **btradewe**Wanted: **As time permits**

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May Contact:

Drafter: **btradewe**Subject: **Environment - water quality**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**Requester's email: **Michael.Bruhn@wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:No specific pre topic given

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Instructions:See attached

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/?	btradewe						
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FE Sent For:

<END>

Tradewell, Becky

From: Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>
Sent: Friday, December 28, 2012 4:17 PM
To: Tradewell, Becky
Cc: Bruhn, Michael L - DNR
Subject: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program
Attachments: Clean Water Fun.docx

Becky,

Here is an additional DNR drafting request for the 2013 – 2014 Legislative Session.

Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program (CWFP) and the federal Safe Drinking Water Loan Program (SFWLP) within federal regulations and guidelines. As currently written, ss. 281.58, 281.59 and 281.61, Wis. Stats., narrowly define Wisconsin's CWFP and SDWLP. This narrow definition has the unintended consequence of preventing both programs from funding eligible innovative projects that are allowable under the CWFP and SDWLP.

An issue paper is attached that provides additional information on this issue. Please let me know if you have any questions.

Thanks!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

DATE: November 19, 2012

TO: Paul Heinen

FROM: Jeanne H. Cargill, Bureau of Community Financial Assistance
Division of Customer and Employee Services

SUBJECT: 2013-2014 Legislative Proposal

All Information Below Must be Typed.

1. Problem/Issue (Be concise) – Because there are narrowly-defined requirements and program procedures currently included in ss. 281.58, 281.59 and 281.61, Wis. Stats., and Congress has been changing program requirements for State Revolving Funds annually in appropriations bills, DNR has not been able to provide timely information to municipalities applying for Safe Drinking Water Loan Program (SDWLP) and Clean Water Fund Program (CWFP) assistance or to implement necessary program changes quickly. These issues result in delayed construction projects, fewer construction jobs being created, and municipalities having difficulties in determining how to meet permit limits and public health standards while significant uncertainty continues regarding whether they'll be able to obtain affordable funding for their projects.
2. Description of Legislation (Provide statute number and a plain English explanation) – DNR proposes amending ss. 281.58, 281.59 and 281.61, Wis. Stats., to provide flexibility in the SDWLP and CWFP, allowing the department to quickly implement changes in the programs required by new federal laws, regulations and guidelines without first having to obtain special legislation. In addition, the requested legislation would allow the SDWLP and CWFP to conduct pilot projects to find new, innovative ways of using the funds to assist municipalities as they work to implement adaptive management strategies and other types of non-traditional methods and projects to protect Wisconsin's surface waters and groundwater.
3. Background (Two paragraphs maximum) - DNR has had to obtain enabling non-statutory legislation in each of the last few years in order to implement new requirements passed by Congress in annual appropriations bills. For State Fiscal Year (SFY) 2013, we were unable to obtain the needed enabling legislation prior to the end of the Wisconsin Legislature's session in March 2012. DNR cannot implement the requirement that we provide a portion of our annual federal capitalization grant as principal forgiveness without enabling legislation, jeopardizing Wisconsin's grant for SFY 2013 and allowing the SDWLP and CWFP to provide only conditional principal forgiveness with loan dollars in Financial Assistance Agreements with municipalities. The delay in implementing principal forgiveness makes it very difficult for municipalities to feel secure in going ahead with their construction projects as there is too much uncertainty about the funding amount to know how much they need to raise rates or whether they'll need an additional funding source to make their projects affordable.
4. Past Legislation (Please provide specific bill numbers. If none, leave blank) –

5. Fiscal Estimate (Your best estimate – you do not need M&B review) – Without some kind of legislation allowing the SDWLP and CWFPP to provide principal forgiveness to municipalities in SFY 2013 as required by federal law, Wisconsin stands to lose its Federal Fiscal Year 2012 capitalization grants of \$15,474,000 for the SDWLP and \$38,208,000 for the CWFPP.

6. Bureau Contact (Name & phone number) – Robin Schmidt (608) 266-3915

SIGNATURES:

Legal Services _____
Bureau Director _____
Division Administrator _____

Tradewell, Becky

From: Schmidt, Robin R - DNR <Robin.Schmidt@Wisconsin.gov>
Sent: Wednesday, January 02, 2013 11:01 AM
To: Tradewell, Becky
Cc: Bruhn, Michael L - DNR; Cargill, Jeanne H - DNR; Wolff, Michael - DOA
Subject: [Possible SPAM] RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Importance: Low

Becky – I'll call you this afternoon to further discuss – but in general, what we are looking for are two types of changes – the first is related to secs. 281.58 (6) and 281.51(2r), Wis. Stats., that deal with "methods of providing financial assistance" that will allow us to award funds *consistent with the federal Clean Water Fund State Revolving Loan Program* – so that we can award the Principal Forgiveness funds that are now a part of the FFY 2012 grant that was just awarded. There may be other items besides PF that we have to be nimble about – green project reserve, etc. – so we're looking for language that does not require us to go back to the legislature for statutory change each time the feds put another something into the program.

The second change is related to the CWF Program statutes only (s. 281.58, Wis. Stats.) because the Drinking Water Statute was previously streamlined and hence allows us more flexibility. The change we are requesting there is in s. 281.58(7)(a) relating to Eligibility. We want the authority to *conduct pilot projects that are eligible under the federal CWF program but not specified in our rules*. This way if there are new ideas for complying with water quality standards (i.e. adaptive management, or limit "trading", we can pilot some of these and see if they have an impact and if we can adjust our rules in the future to accommodate them). Especially with the new phosphorus limits, having the ability to do pilot projects will help several communities that have compliance issues.

Thanks and we can talk more this afternoon, if you're available.

Robin

From: Tradewell, Becky [mailto:Becky.Tradewell@legis.wisconsin.gov]
Sent: Saturday, December 29, 2012 2:30 PM
To: Schmidt, Robin R - DNR
Cc: Bruhn, Michael L - DNR
Subject: RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Robin,

I am not looking for statutory language, but for a narrative explanation of how the statutes should be changed to give the department the flexibility that is wanted. Please feel free to contact me to discuss this if that would be helpful.

Thanks,
Becky Tradewell
6-7290

From: Bruhn, Michael L - DNR [mailto:Michael.Bruhn@wisconsin.gov]
Sent: Saturday, December 29, 2012 2:24 PM
To: Tradewell, Becky; Schmidt, Robin R - DNR

Tradewell, Becky

From: Schmidt, Robin R - DNR <Robin.Schmidt@Wisconsin.gov>
Sent: Wednesday, January 02, 2013 1:02 PM
To: Tradewell, Becky
Subject: RE: [Possible SPAM] RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Importance: Low

Not a problem – just be aware that we are in a time crunch because municipalities are unable to close their loans (i.e. and get the grant/principal forgiveness) with us until the language is passed by the legislature – so there is some sense of urgency with moving this forward (we should have done it last spring but the session ended too soon for us to forward it during that session).

Thanks much – just let me know when you have some breathing room!

Robin

 *Robin R. Schmidt*

Chief, Environmental Loans Section
Bureau of Community Financial Assistance
Wisconsin Department of Natural Resources

(() **phone:** (608) 266-3915

(() **fax:** (608) 266-0496

(+) **e-mail:** robin.schmidt@wisconsin.gov

Find us at <http://dnr.wi.gov/Aid/EIF.html>

From: Tradewell, Becky [mailto:Becky.Tradewell@legis.wisconsin.gov]
Sent: Wednesday, January 02, 2013 11:04 AM
To: Schmidt, Robin R - DNR
Subject: RE: [Possible SPAM] RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Thanks, Robin.

I am swamped at the moment with other drafting. If you don't mind, I would like to look this over when things calm down some and then I can call you if necessary.

Becky

From: Schmidt, Robin R - DNR [mailto:Robin.Schmidt@Wisconsin.gov]
Sent: Wednesday, January 02, 2013 11:01 AM
To: Tradewell, Becky
Cc: Bruhn, Michael L - DNR; Cargill, Jeanne H - DNR; Wolff, Michael - DOA
Subject: [Possible SPAM] RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program
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Cc: Bruhn, Michael L - DNR

Subject: RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

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I am not looking for statutory language, but for a narrative explanation of how the statutes should be changed to give the department the flexibility that is wanted. Please feel free to contact me to discuss this if that would be helpful.

Thanks,
Becky Tradewell
6-7290

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]

Sent: Saturday, December 29, 2012 2:24 PM

To: Tradewell, Becky; Schmidt, Robin R - DNR

Subject: RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Robin,

Can you put together a complete description on the necessary flexibility for Becky Tradewell. Becky is a drafter with the Legislative Reference Bureau, and she is handling this drafting request.

Thanks!!!

Michael Bruhn
Legislative Liaison

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-5375

(✉) e-mail: michael.bruhn@wisconsin.gov

Website: dnr.wi.gov

Find us on Facebook: www.facebook.com/WIDNR

From: Tradewell, Becky [<mailto:Becky.Tradewell@legis.wisconsin.gov>]

Sent: Saturday, December 29, 2012 10:30 AM

To: Bruhn, Michael L - DNR

Subject: RE: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Mike,

I will need a complete description of how the department wants to change the statutes to provide more flexibility.

Thanks,
Becky

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]

Sent: Friday, December 28, 2012 4:17 PM

To: Tradewell, Becky

Cc: Bruhn, Michael L - DNR

Subject: DNR Drafting Request - Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program

Becky,

Here is an additional DNR drafting request for the 2013 – 2014 Legislative Session.

Revise ss. 281.58, 281.59 and 281.61, to allow the Environmental Improvement Fund flexibility to implement the federal Clean Water Fund Program (CWFP) and the federal Safe Drinking Water Loan Program (SFWLP) within federal regulations and guidelines. As currently written, ss. 281.58, 281.59 and 281.61, Wis. Stats., narrowly define Wisconsin's CWFP and SDWLP. This narrow definition has the unintended consequence of preventing both programs from funding eligible innovative projects that are allowable under the CWFP and SDWLP.

An issue paper is attached that provides additional information on this issue. Please let me know if you have any questions.

Thanks!

Michael Bruhn

Legislative Liaison

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-5375

(✉) e-mail: michael.bruhn@wisconsin.gov

Website: dnr.wi.gov

Find us on Facebook: www.facebook.com/WIDNR



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0941/P1

RCT:....

Wed 1/16, if possible

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Note

X

Gen

1

AN ACT ...; **relating to:** methods of providing assistance under the Clean Water Fund program and the Safe Drinking Water Load^{en} Program and projects that are eligible for assistance under the Clean Water Fund Program.✓

2

3

Analysis by the Legislative Reference Bureau

✓ This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4

SECTION 1. 281.58 (6) (b) 9.✓ of the statutes is created to read:

5

281.58 (6) (b) 9. Any other method that is that is consistent with the federal

6

State Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387.

7

SECTION 2. 281.58 (7) (b) 7.✓ of the statutes is created to read:

8

281.58 (7) (b) 7. Pilot projects that are ✓ consistent with the federal State Water

9

Pollution Control Revolving Fund Program under 33 USC 1381 to 1387.

1 **SECTION 3.** 281.61 (2r) (e) of the statutes is created to read:

2) 281.61 (2r) (e) Any other method that is that is consistent with the federal State

3 Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387.

4 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0941/P1dn

RCT.:....

date

jld

the proposal
This is a preliminary draft of the ~~draft~~ to allow flexibility in the Clean Water Fund Program and Safe Drinking Water Loan Program. ✓ The draft should be reviewed carefully, keeping in mind that there are numerous requirements in ss. ✓281.58, ✓281.59, and 281.61 ✓ that would still apply to any assistance desired to be provided under the provisions in this draft.

*
*

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0941/P1dn
RCT:jld:rs

January 14, 2013

This is a preliminary draft of the proposal to allow flexibility in the Clean Water Fund Program and the Safe Drinking Water Loan Program. The draft should be reviewed carefully, keeping in mind that there are numerous requirements in ss. 281.58, 281.59, and 281.61 that would still apply to any assistance desired to be provided under the provisions in this draft.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Schmidt, Robin R - DNR <Robin.Schmidt@Wisconsin.gov>
Sent: Thursday, January 17, 2013 1:09 PM
To: Tradewell, Becky
Cc: Cochart, Lacey L - DNR; Cargill, Jeanne H - DNR; Bruhn, Michael L - DNR
Subject: comments on preliminary bill draft

Becky – thanks for your quick response to our drafting needs – please see the following comments/suggestions:

Because many of our recent changes are not the result of changes to the federal Clean Water Fund or Safe Drinking Water Acts, but are actually requirements from the Congressional Appropriation bill – we want to make sure that this language covers all scenarios – including requirements from congress in other forms (i.e. appropriation bills) rather than just changes to 33 USC 1381 to 1387... so we are thinking that we need to include something like “or any other federal legislation/appropriation directed towards this program” (as italicized below) to make sure we’re covered.

✓ “281.61 (2r) (e) Any other method that is consistent with the federal State Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387 *“or any other federal legislation/appropriation directed towards this program”* – as well as 281.58 (6) (b) 9. “Any other method that is consistent with the federal State Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387 *“or any other federal legislation/appropriation directed towards this program”*.”

Also, in order to ensure our ability to implement pilot projects without having to write rules first, we have the following suggestion (see italic):

✓ **SECTION 2.** 281.58 (7) (b) 7. of the statutes is created to read:
281.58 (7) (b) 7. Pilot projects that are consistent with the federal State Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387. *Notwithstanding section 227.10(1) of the statutes, the department of natural resources and the department of administration are not required to promulgate rules for the purposes of this subsection.*

Lastly – after further reviewing the statutes, we want to make sure that other statutory language is inclusive so that we can conduct pilot projects – and so we request language that gives us more flexibility be included – for example:

(6) METHODS OF PROVIDING FINANCIAL ASSISTANCE

s. 281.58(6)(a)1. Planning, designing and constructing or replacing a treatment work *or other activities associated with achieving and maintaining permit compliance.*

(7) Eligibility

s. 281.58(7)(b)5. Projects for the *prevention or* treatment of nonpoint source pollution ~~and~~ or urban storm water runoff.”

Please let me know if you have any questions or concerns or wish to further discuss. We greatly appreciate your assistance and expertise.

Robin

 Robin R. Schmidt

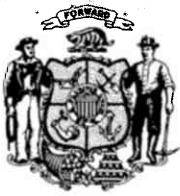
Chief, Environmental Loans Section
Bureau of Community Financial Assistance
Wisconsin Department of Natural Resources

((T) phone: (608) 266-3915

((F) fax: (608) 266-0496

(+) e-mail: robin.schmidt@wisconsin.gov

Find us at <http://dnr.wi.gov/Aid/EIF.html>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0941/11
RCT/10/13

There's 1/24, if possible

jd'sac

VWY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

please regenerate

1 **AN ACT** *to create* 281.58 (6) (b) 9., 281.58 (7) (b) 7. and 281.61 (2r) (e) of the
2 statutes; **relating to:** methods of providing assistance under the Clean Water
3 Fund Program and the Safe Drinking Water Loan Program and projects that
4 are eligible for assistance under the Clean Water Fund Program.

Analysis by the Legislative Reference Bureau

analysis not This is a preliminary draft. An analysis will be provided in a subsequent version
of this draft.

Insert 1-5 ***The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:***

5 **SECTION 1.** 281.58 (6) (b) 9. of the statutes is created to read:

6 281.58 (6) (b) 9. Any other method that is consistent with the federal State
7 Water Pollution Control Revolving Fund Program under 33 USC 1381 to 1387.

Insert 1-7-8 **SECTION 2.** 281.58 (7) (b) 7. of the statutes is created to read:

9 281.58 (7) (b) 7. Pilot projects that are consistent with the federal State Water
10 Pollution Control Revolving Fund Program under 33 USC 1381 to 1387.

1 **SECTION 3.** 281.61 (2r) (e) of the statutes is created to read:

2 281.61 (2r) (e) Any other method that is consistent with the federal State Water

3 Pollution Control Revolving Fund Program under 33 USC 1381 to 1387. *Insert 2-3.*

4 (END)

1

Analysis insert

Under the Clean Water Fund Program, administered by the Department of Natural Resources (DNR) and the Department of Administration (DOA), this state provides financial assistance to local governmental units for projects to control water pollution. A portion of the funding for the state program comes from a federal water pollution control program. Current state law specifies that funding from the Clean Water Fund Program may be provided for constructing a sewage treatment plant, implementing a program to manage pollution from nonpoint (diffuse) sources, or implementing a conservation plan to protect an estuary.

Under this bill, funding through the Clean Water Fund Program may be provided for other activities associated with achieving and maintaining compliance with a wastewater discharge permit. In addition, the bill authorizes DNR and DOA to provide funding under the Clean Water Fund Program for pilot projects that are consistent with the federal water pollution control program.

Current law also specifies the methods that may be used to provide financial assistance under the Clean Water Fund Program, including making loans at or below the market interest rate. This bill authorizes the use of any method of providing financial assistance under the Clean Water Fund Program that is consistent with federal law relating to the federal water pollution control program.

Under the Safe Drinking Water Loan Program, also administered by DNR and DOA, this state provides financial assistance to local governmental units for projects for the construction or modification of public water systems. A portion of the funding for the state program comes from the same federal water pollution control program that provides funds for the Clean Water Fund Program. Current law specifies the methods that may be used to provide financial assistance under the Safe Drinking Water Loan Program, including making loans below the market interest rate.

This bill authorizes the use of any method of providing financial assistance under the Safe Drinking Water Loan Program that is consistent with federal law relating to the federal water pollution control program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2

Insert 1-5

y

3

SECTION 1. 281.58 (2) of the statutes is amended to read:

4

281.58 (2) RULES. The department shall promulgate rules that are necessary

5

for the proper execution of its responsibilities under this section. Notwithstanding

6

s. 227.10 (1), the department and the department of administration are not required

1 to promulgate rules for the purposes of providing financial assistance for pilot
2 projects under sub. (7) (b) 7.

History: 1987 a. 399; 1989 a. 31, 336, 366; 1991 a. 32, 39, 189; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 425; Stats. 1995 s. 281.58; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 25, 347; 2009 a. 28; 2011 a. 32, 261.

3 **SECTION 2.** 281.58 (6) (a) 1m. of the statutes is created to read:

4 281.58 (6) (a) 1m. Activities other than those specified in subd. 1. associated
5 with achieving and maintaining compliance with a permit issued under ch. 283.

6 **Insert 1-7-A**

7 or any other federal law providing funding for or otherwise relating to that
8 program

9 **Insert 1-7-B**

10 **SECTION 3.** 281.58 (7) (b) 5. of the statutes is amended to read:

11 281.58 (7) (b) 5. Projects for the prevention or treatment of nonpoint source
12 pollution ~~and~~ or urban storm water runoff.

History: 1987 a. 399; 1989 a. 31, 336, 366; 1991 a. 32, 39, 189; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 425; Stats. 1995 s. 281.58; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 25, 347; 2009 a. 28; 2011 a. 32, 261.

13 **Insert 2-3**

14 or any other federal law providing funding for or otherwise relating to that
15 program

Tradewell, Becky

From: Schmidt, Robin R - DNR <Robin.Schmidt@Wisconsin.gov>
Sent: Thursday, January 24, 2013 12:00 PM
To: Tradewell, Becky
Subject: RE: Draft review: LRB -0941/1 Topic: Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Becky – EPA is here this week so we asked them to give us the correct reference for the Safe Drinking Water Loan Program (s. 281.61, Wis. Stats.,) as follows:

“the federal Safe Drinking Water State Loan Fund Program under 42 USC 300j – 12.”

So 281.61(2r)(e) should read “Any other method that is consistent with the federal Safe Drinking Water State Loan Fund Program under 42 USC 300j – 12 or any other federal law providing funding for or otherwise relating to that program.”

In the Analysis, removing the sentence that states “a portion of the funding for the state program...” can then be removed.

Sorry for any confusion – glad we continued to have the discussion so the federal reference is correct in s. 281.61!

Robin

From: Tradewell, Becky [<mailto:Becky.Tradewell@legis.wisconsin.gov>]
Sent: Thursday, January 24, 2013 11:07 AM
To: Schmidt, Robin R - DNR
Subject: RE: Draft review: LRB -0941/1 Topic: Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Robin,

I can't just delete that sentence because the sentence that makes up the 5th paragraph has to refer to the federal program that provides funding for the safe drinking water program. The federal statutory citations are the same in the clean water fund and safe drinking water fund parts of the draft. I assumed that if the federal statutory citations were the same, it is fair to say that the funding comes from the same federal program. If that isn't correct, what can the analysis say about the source of federal funds for the safe drinking water program?

Feel free to call if you think that would be the best way to resolve this.

Becky
6-7290

From: Schmidt, Robin R - DNR [<mailto:Robin.Schmidt@Wisconsin.gov>]
Sent: Thursday, January 24, 2013 10:41 AM
To: Tradewell, Becky
Cc: Bruhn, Michael L - DNR
Subject: FW: Draft review: LRB -0941/1 Topic: Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Becky – the statutory language looks great – we did find one concern in the analysis portion that can be dealt with by simply eliminating the sentence in the 4th paragraph that states “A portion of the funding for the state program comes

from the same federal water pollution control program that provides funds for the Clean Water Fund Program.” That’s not exactly correct and it would be best to just delete that and the rest of the analysis and proposed language is accurate and meets our needs.

Many thanks for your expeditious work on this – it’s greatly appreciated!

Robin

From: LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]

Sent: Wednesday, January 23, 2013 9:59 AM

To: Schmidt, Robin R - DNR

Subject: Draft review: LRB -0941/1 Topic: Flexibility for Clean Water Fund Program and Safe Drinking Water Program

Draft Requester: Natural Resources

Following is the PDF version of draft LRB -0941/1.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0941/2
RCT:jld&sac:fs

Fri, 1/25, if possible

2013 BILL

1 **AN ACT** *to amend* 281.58 (2) and 281.58 (7) (b) 5.; and *to create* 281.58 (6) (a)
2 1m., 281.58 (6) (b) 9., 281.58 (7) (b) 7. and 281.61 (2r) (e) of the statutes;
3 **relating to:** methods of providing assistance under the Clean Water Fund
4 Program and the Safe Drinking Water Loan Program and projects that are
5 eligible for assistance under the Clean Water Fund Program.

Analysis by the Legislative Reference Bureau

Under the Clean Water Fund Program, administered by the Department of Natural Resources (DNR) and the Department of Administration (DOA), this state provides financial assistance to local governmental units for projects to control water pollution. A portion of the funding for the state program comes from a federal water pollution control program. Current state law specifies that funding from the Clean Water Fund Program may be provided for constructing a sewage treatment plant, implementing a program to manage pollution from nonpoint (diffuse) sources, or implementing a conservation plan to protect an estuary.

Under this bill, funding through the Clean Water Fund Program may be provided for other activities associated with achieving and maintaining compliance with a wastewater discharge permit. In addition, the bill authorizes DNR and DOA to provide funding under the Clean Water Fund Program for pilot projects that are consistent with the federal water pollution control program.

Current law also specifies the methods that may be used to provide financial assistance under the Clean Water Fund Program, including making loans at or below

BILL

a the market interest rate. This bill authorizes the use of any method of providing financial assistance under the Clean Water Fund Program that is consistent with federal law relating to the federal water pollution control program.

Under the Safe Drinking Water Loan Program, also administered by DNR and DOA, this state provides financial assistance to local governmental units for projects for the construction or modification of public water systems. A portion of the funding for the state program comes from the same federal water pollution control program that provides funds for the Clean Water Fund Program. Current law specifies the methods that may be used to provide financial assistance under the Safe Drinking Water Loan Program, including making loans below the market interest rate.

This bill authorizes the use of any method of providing financial assistance under the Safe Drinking Water Loan Program that is consistent with federal law relating to the federal water pollution control program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 281.58 (2) of the statutes is amended to read:

2 281.58 (2) **RULES.** The department shall promulgate rules that are necessary
3 for the proper execution of its responsibilities under this section. Notwithstanding
4 s. 227.10 (1), the department and the department of administration are not required
5 to promulgate rules for the purposes of providing financial assistance for pilot
6 projects under sub. (7) (b) 7.

7 **SECTION 2.** 281.58 (6) (a) 1m. of the statutes is created to read:

8 281.58 (6) (a) 1m. Activities other than those specified in subd. 1. associated
9 with achieving and maintaining compliance with a permit issued under ch. 283.

10 **SECTION 3.** 281.58 (6) (b) 9. of the statutes is created to read:

11 281.58 (6) (b) 9. Any other method that is consistent with the federal/^{program for} State
12 ~~Water Pollution Control Revolving Fund Program~~ under 33 USC 1381 to 1387 or any
13 other federal law providing funding for or otherwise relating to that program.

14 **SECTION 4.** 281.58 (7) (b) 5. of the statutes is amended to read:

BILL

281.58 (7) (b) 5. Projects for the prevention or treatment of nonpoint source pollution ~~and or~~ urban storm water runoff.

SECTION 5. 281.58 (7) (b) 7. of the statutes is created to read:

281.58 (7) (b) 7. Pilot projects that are consistent with the federal ~~State Water~~
Pollution Control Revolving Fund ⁵ Program under 33 USC 1381 to 1387.

SECTION 6. 281.61 (2r) (e) of the statutes is created to read:

281.61 (2r) (e) Any other method that is consistent with the federal ~~State Water~~
Pollution Control Revolving Fund Program under ~~33 USC 1381 to 1387~~ ^{Insert 3-} for any other
federal law providing funding for or otherwise relating to that program.

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0941/2ins
RCT:.....

1

2

Insert 3-7

3

program for safe drinking water state loan funds

4

Insert 3-8

5

42 USC 300j-12

1/29/13
DNR has given the OK
For Rep. Marklien to
have 13-C941/2 jacketed
for the Assembly & sent
to him.

P.S. *RET*
If Sen. Herschert's office
calls about that proposal,
I will need to draft a
companion.